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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,528	04/12/2001	Frano Luburic	ROPAK-P2712	4027
21259	7590	02/23/2005	EXAMINER	
J MARK HOLLAND & ASSOCIATES 3 CIVIC PLAZA SUITE 210 NEWPORT BEACH, CA 92660			NGO, LIEN M	
			ART UNIT	PAPER NUMBER

3727

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/834,528	Applicant(s) LUBURIC, FRANO	
	Examiner LIEN TM NGO	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 4, 5 and 14-18, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Von Holdt, Jr. (6,619,498).

Von Holdt discloses, in fig. 8, an apparatus comprising a container 74 having an upper edge having an inner contact surface and an outer contact surface tapering generally to a single point and defining an opening, and a lid 50 having a channel configured to abut and form a liquid-tight seal with the upper edge of the container, said channel including an outer skirt 112 having a lower portion 120 spaced outwardly from said container upper edge, and an inner skirt 104 having a lower portion spaced inwardly from said container upper edge. The assembly between the lid, the container not including rotating threaded engagement, and the inner contact surface of the channel extending toward the bottom of the container at least as far as the outer contact surface of the channel. The apparatus further includes cooperating engagement detents 114, 116 on the lid and the container.

2. Claims 2, 4, 5 and 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Robbins, III et al. (5,549,213). Robbins discloses, in fig. 2, an apparatus comprising a container 40 having an upper edge having an inner contact surface and an outer contact surface tapering generally to a single point and defining an opening, and a lid 50 having a channel configured to abut and form a liquid-tight seal with the upper edge of the container, said channel including an outer skirt 36 having a lower portion spaced outwardly from said container upper edge, and an inner skirt 38 having a lower portion spaced inwardly from said container upper edge. The assembly between the lid, the container not including rotating threaded engagement, and the inner contact surface of the channel extending toward the bottom of the container at least as far as the outer contact surface of the channel. The apparatus further includes cooperating engagement detents on the lid and the container. The lid further comprises a shoulder extending further outwardly than an uppermost portion of lid and positioned between the engagement detents and the uppermost portion of the lid.

3. Claims 2, 3 and 16, 17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Crisci (4,209,107). Crisci discloses, in figs. 2- 4, an apparatus comprising a container 18 having an upper edge having an inner contact surface and an outer contact surface tapering generally to a single point and defining an opening, and a lid 14 having a channel configured to abut and form a liquid-tight seal with the upper edge of the container, said channel including an outer skirt 46 having a lower portion spaced outwardly from said container upper edge, and an inner skirt 36 having a lower portion spaced inwardly from said container upper edge, and the channel also sealingly

contacts a transition surface 34c on the container upper edge between the inner and outer contact surfaces. The assembly between the lid, the container not including rotating threaded engagement. The apparatus further includes cooperating engagement detents 42, 30 on the lid and the container. The lid further comprises a shoulder 50 extending further outwardly than an uppermost portion of lid and positioned between the engagement detents and the uppermost portion of the lid.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 2-5 and 14-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO  
Primary Examiner  
Art Unit 3727

February 22, 2005



**LIEN M. NGO  
PRIMARY EXAMINER**